

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,)
)
Plaintiff,) C.A. No.: 04-1350 (GMS)
)
v.)
)
SYLVIA FOSTER, LANCE SAPERS,)
DAVE MOFFITT, R. GRAY,)
MR. JOHNSON, JOHN JOE,)
)
Defendants.)

**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S MOTION
FOR ORDER OF DEFENDANT DR. SYLVIA FOSTER'S CONTEMPT OF COURT
ORDER FOR DELIBERATELY REFUSING TO RESPOND TO THE PLAINTIFF'S
MOTION(S) FOR INTERROGATORY ANSWERS**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Order of Defendant Dr. Sylvia Foster's Contempt of Court Order for Deliberately Refusing to Respond to the Plaintiff's Motion(s) for Interrogatory Answers, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion requesting responses to the five (5) Motions for Interrogatory Answers which have been filed in this case. The Plaintiff contends the failure to respond to these various requests are a "deliberate indifference towards the Plaintiff's plight" and are a "total disregard to this Honorable Court".
2. Defendant has responded to the previous Motions for Interrogatories and hereby request the arguments made in those responses be incorporated herein as though fully stated. A copy of the response to each of the Plaintiff's five (5) Motion for Interrogatories are attached hereto as Exhibits "A", "B", "C", "D", and "E", respectfully.
3. As indicated previously, Defendant has filed a Motion for Protective Order with

this Honorable Court on October 27, 2006 in response to the numerous requests by Plaintiff for discovery materials. At this time, the Court has not ruled on the outstanding Motion for Protective Order. If the Court so rules that responses are required for the numerous discovery requests which have been submitted by the Plaintiff, then actions will be taken at that time to comply with the Court's Order.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Order of Defendant Dr. Sylvia Foster's Contempt of Court Order for Deliberately Refusing to Respond to the Plaintiff's Motion(s) for Interrogatory Answers.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire
Delaware State Bar I.D. No. 2565
Ronald W. Hartnett, Jr., Esquire
Delaware State Bar I.D. No. 4497
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801
(302) 652-3611
Attorney for Defendant Dr. Sylvia Foster

Dated: February 8, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,)
)
Plaintiff,) C.A. No.: 04-1350 (GMS)
)
v.)
)
SYLVIA FOSTER, LANCE SAPERS,)
DAVE MOFFITT, R. GRAY,)
MR. JOHNSON, JOHN JOE,)
)
Defendants.)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 8th day of February, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Order of Defendant Dr. Sylvia Foster's Contempt of Court Order for Deliberately Refusing to Respond to the Plaintiff's Motion(s) for Interrogatory Answers has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis
SBI#506622
1181 Paddock Road
Delaware Correctional Center
Smyrna, DE 19977

Gregory E. Smith
Deputy Attorney General
820 North French Street, 7th Floor
Carvel State Office Building
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire
Delaware State Bar I.D. No. 2565
Ronald W. Hartnett, Jr., Esquire
Delaware State Bar I.D. No. 4497
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801
(302) 652-3611
Attorney for Defendant Dr. Sylvia Foster

Dated: February 8, 2007